

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID A. COLE,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C06-5457 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AFFIRMING COMMISSIONER'S
DECISION

Magistrate Judge J. Kelly Arnold recommends that the Court should conclude that David A. Cole was properly denied social security benefits because application of the proper legal standard and substantial evidence support the Administrative Law Judge's (ALJ) finding Plaintiff is not disabled.


Plaintiff objects to the Report and Recommendation contending the Magistrate Judge erred in not finding (1) the ALJ failed to properly assessed the medical opinions, (2) the ALJ failed to properly evaluate Plaintiff's credibility, (3) the ALJ failed to properly evaluate Plaintiff's residual functional capacity, (4) and the ALJ improperly applied the step five evaluation process for determining whether Plaintiff was disabled.

After carefully considering Plaintiff's arguments against the analysis and authorities presented by the Magistrate Judge, the Court concludes that the Magistrate Judge did not err.

The Court, having reviewed the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and Objections to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The administrative decision is AFFIRMED; and
- (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge J. Kelley Arnold.

DATED this 22nd day of June, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE